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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,143	09/10/1999	PAUL CHARLES TURGEON	044624-15-NP	3795

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EXAMINER

HEWITT II, CALVIN L

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/394,143

Applicant(s)

TURGEON, PAUL CHARLES

Examiner

Calvin L Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Status of Claims

1. Claims 1-25 have been examined.

Response to Amendment/Argument

2. The Applicant has amended independent claims 1 and 17 to include the language, "at least some of said financial accounts being maintained at different ones of said financial institutions". However, this limitation has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 9-12, 17-23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newton et al., U.S. Patent No. 5,771,291 in view of Solokl et al., U.S. Patent No. 6,173,269.

As per claims 1-4, 9-12, 17-23, and 25, Solokl et al. teach a system for providing financial resources over a network comprising: a network access device with a browser for interfacing with a public network (figure 1; column 4, lines 13-29) that is connected to an authentication processor over the public network (figure 1; column 4, lines 13-29), the processor in turn connected to a financial institution over a private network and determining access to a user financial account using said private network (figure 2). Solokl et al. teach a user logging onto an account (figure 2; column 7, lines 65-66). To one of ordinary skill, it would have been obvious to have a user provide a first identifier, such as a user name or ID, in order to login. Along with the login procedure, Solokl et al. also teach transferring an authentication parameter to an authentication

processor. Solokl et al. do not specifically recite a portable storage medium with encrypted and unencrypted information. Newton et al. teach a system for authenticating users who desire to access remote resources using a network access device that includes a programmable controller for executing code and a memory for interfacing with a public network (figure 1; column 3, lines 17-35) comprising a computer readable portable storage medium (e.g. CD-ROM) having encrypted and unencrypted information (column 6, lines 33-38; column 7, lines 45-55). Newton et al. teach an authentication processor, such as a decryption processor connected to the public network (column 7, lines 45-55) for decrypting encrypted information to determine access to remote resources (column 7, lines 53-61). Newton et al. also teach a computer host connected to the network access device over the public network that transfers an active module to the network access device (column 6, lines 10-15; column 7, lines 50-53) that demands a user provide an identifier such as a password or user ID in order to access a network (column 6, lines 10-15). Therefore, it would have been obvious to one of ordinary skill to combine the systems of Solokl et al. and Newton et al. in order to improve network security by allowing users to enter longer, and hence more secure, identification codes and providing an efficient means for entering the code ('291, figure 1; column 8, lines 20-29).

5. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newton et al., U.S. Patent No. 5,771,291 and Solokl et al., U.S. Patent No. 6,173,269 as applied to claim 4 above, and further in view of Bocinsky Jr., U.S. Patent No. 5,371,797.

As per claims 5-8, Solokl et al. teach a user logging onto or gaining entrance to multiple networks (figure 2). Solokl et al. also teach displaying data to a user upon successful authentication (figure 2). Newton et al. teach a secure method for logging onto a network using authentication/identifier data such as encrypted identification keys, passwords and IDs (column 6, lines 10-15; column 7, lines 45-61). Newton et al. also teach that a host computer has access to a database containing encryption and identification keys that are to be stored on a CD-ROM (column 4, lines 50-52). However, neither Solokl et al. nor Newton et al. specifically recite re-encrypting identifiers. Bocinsky Jr. teaches a system for passing financial data across multiple networks, using a network switch to route data, for securing electronic transactions comprising decrypting an identifier and re-encrypting the identifier prior to sending the identifier across another network (figure 1; column 8, lines 19-25; column/line 9/54-10/41; column 13, lines 30-55). Bocinsky Jr. also teaches financial data as an identifier for determining access to a financial account (column/line 1/15-2/60; column 14, lines 12-20) and a financial institution generating a code reflecting whether or not access has been approved, and transferring the code to a decryption processor (figure 2; column

13, lines 30-55). Regarding the production of the portable storage medium, it would have been obvious to one of ordinary skill to manufacture the CD-ROM using any facility that creates CD-ROMs or other portable storage mediums for storing encrypted information, using an encryption module, and unencrypted information ('291, column 7, lines 45-50). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Solokl et al., Newton et al., and Bocinsky Jr. in order to provide a more secure system by encrypting sensitive data as it travels across vulnerable networks.

6. Claims 14-16 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newton et al., U.S. Patent No. 5,771,291 and Solokl et al., U.S. Patent No. 6,173,269 as applied to claims 12 and 23 above, and further in view of Campbell U.S. Patent No. 4,259,720.

As per claims 14-16 and 24, Solokl et al. teach a user logging onto or gaining entrance to multiple networks and stored identifiers that pertain to customers and financial institutions, such as PINs and Bank IDs (figure 2). Solokl et al. also teach displaying data to a user upon successful authentication (figure 2). Newton et al. teach a secure method for logging onto a network using authentication/identifier data such as encrypted identification keys, passwords and IDs (column 6, lines 10-15; column 7, lines 45-61). Newton et al. also teach

that a host computer has access to a database containing encryption and identification keys that are to be stored on a CD-ROM (column 4, lines 50-52). However, neither Solokl et al. nor Newton et al. specifically recite storing encrypted data at the producer of a portable storage medium that maintains encrypted and unencrypted data. Campbell teaches storing secret identification data in encrypted form (abstract). Regarding the production of the portable storage medium, it would have been obvious to one of ordinary skill to manufacture the CD-ROM using any facility that creates CD-ROMs or other portable storage mediums for storing encrypted information, using an encryption module, and unencrypted information ('291, column 7, lines 45-50; 720, column 3, lines 35-64). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Solokl et al., Newton et al. and Campbell in order to prevent unauthorized access of the stored secret identification codes ('291, abstract; '720, column 1, lines 32-50).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
c/o Technology Center 2100
Washington, D.C. 20231

or faxed to:

(703) 305-7687 (for formal communications intended for entry and after-final communications),

or:

(703) 746-5532 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5,
2451 Crystal Drive, 7th Floor Receptionist.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Calvin Loyd Hewitt II

September 16, 2003



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600